

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 23, 1997**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Dunn, J. (Assigned), and S. Beaux, Deputy Clerk.

B105787     Haick  
                 v.  
                 Murphy et al.

Merits:  
Argued by G. G. Baumen for appellant and no appearance for respondents.  
Cause submitted.

B106521     Spellman et al.  
                 v.  
                 Monroe Insurance Brokerage, Inc.

Merits:  
Argued by Thomas Bleau for appellants and by Allen J. Kent for respondent. Cause submitted.

B106661     Bank of Los Angeles  
                 v.  
                 Perry

Merits:  
Argued by Philip A. Kramer for appellant and by Michael M. Weiner for respondent. Cause submitted.

DIVISION ONE (Continued)

B102040     Jawitz et al.

v.

Litton Systems, Inc. et al.

Merits:

Argued by Mark E. Terman for appellants and by Scott B. Kidman for respondents. Cause submitted.

B103557     Compton Education Association et al.

v.

Governing Board of Compton Unified School Dist.

Merits:

Argued by Urrea C. Jones, Jr. for appellant and no appearance for respondents. Cause submitted.

B112435     City of Pasadena

v.

Los Angeles Superior Court  
(Morris, r.p.i.)

Merits:

Argued by Lawrence S. Newberry for petitioner and by Joe C. Hopkins for real party in interest. Cause submitted.

B095647     Spalding

v.

The Vons Companies, Inc.

Merits:

Argued by Paul Hoffman for appellant and by Esther R. Sorkin for respondent. Cause submitted.

DIVISION ONE (Continued)

B088453     Pedroche  
               v.  
               Mioni

Merits:

Argued by Gerald L. Laderman for appellant and by Paul F. Sowa for respondent. Cause submitted.

B105172     Tleel  
               v.  
               Penszner et al.

Merits:

Argued by Mitch Jacobs for respondent Penszner, Datev K. Senian for respondent Lion etc., and no appearance by appellant. Cause submitted.

B111212     Payne  
               v.  
               Fragoso

Merits:

Argued by Ronald C. A. Payne for appellant and no appearance for respondent. The Court takes judicial notice of documents submitted by appellant. Cause submitted.

B102790     Schwartz et al.  
               v.  
               Eller

Merits:

Argued by Norman Pine for appellants and by Patricia L. Glaser for respondent. Cause submitted.

DIVISION ONE (Continued)

B099444 Bristol Fiberlite Industries  
v.  
6700 Cherry Avenue Partners

Merits:

Argued by Michael K. Collins for appellant and by Joseph M. Hanna for respondent. Cause submitted.

B106326 Perry  
v.  
McDonald Douglas Helicopter Company

Merits:

Argued by James B. Kropff for appellant and by Kent Brockelman for respondent. Cause submitted.

B098653 Nodelman  
v.  
Farmers Insurance Group

Merits:

Argued by Neil C. Newson for appellant and by Louis K. Tsiros for respondent. Cause submitted.

Dunn, J. (assigned) leaves the bench.

B105145 Sanabria  
v.  
Workers' Compensation Appeals Board  
(Sheraton Grande Hotel et al., respondent)

Merits:

Argued by Paul L. Salcedo for petitioner and by Joseph M. Miller for respondent. Cause submitted.

September 23, 1997-Continued

## DIVISION ONE (Continued)

B113595      Fireman's Fund Insurance Company  
v.  
Superior Court of Los Angeles County  
(Vickers Incorporated. r.p.i.)

Merits:

Argued by Jeffrey A. Turkell for petitioner and by Terrell A. Allen for real party in interest. Cause submitted.

Court adjourned.

B106157 People v. Hines (Not for Publication)  
B113732 In re Hines on Habeas Corpus

The judgment is reversed and the cause remanded for a new trial. The petition for a writ of habeas corpus is dismissed as moot.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Dunn, J. (Assigned)

B103050      Ott et al.      (Not for Publication)  
v.  
Transamerica Financial Services

The judgment is affirmed. Transamerica is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Dunn, J. (Assigned)

September 23, 1997-Continued

## DIVISION ONE (Continued)

B106703 People v. Davis (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Dunn, J. (Assigned)

B108476 People (Not for Publication)  
v.  
Sanchez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Dunn, J. (Assigned)

DIVISION TWO

[illegible]

We modify the abstract of judgment to reflect that appellant was convicted after a jury trial and affirm the judgment of conviction, without prejudice to appellant's filing a petition for writ of habeas corpus in the sentencing court.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION THREE

B096771 Janet Warren (Certified for Publication)

v.

Lawrence Schecter, M.D.

The judgment is affirmed. Warren to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.  
Aldrich, J.

DIVISION FOUR

B096954 Glendale Federal Bank (Not for Publication)

v.

Tsoi

The judgment is affirmed. The parties are to bear their own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

B111355 Robyn P. (Not for Publication)

v.

S.C.L.A.

Department of Children and Family Services

The petition for writ of mandate is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24(d).)

Baron, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

September 23, 1997-Continued

## DIVISION FOUR (Continued)

[illegible]

The appeal is dismissed. Respondent's motion for sanctions is denied.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B064512      Kristen Barrett-Whitney      (Not for Publication)  
v.  
Mitchelson

The judgment is reversed and remanded for a new trial consistent with the views expressed herein. Costs on appeal are awarded to plaintiff and appellant.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Baron, J.

B099001 Baker (Not for Publication)  
v.  
Clarendon Crest Office Building

We reverse the judgment and remand with directions to enter judgment, including costs on appeal, in favor of appellants.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Baron, J.



## September 23, 1997-Continued

## DIVISION FOUR (Continued)

B107519      Serafin      (Not for Publication)

V.

First Interstate Bank

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.

Baron, J.

B100034 Dollinger-Glendale Associates (Not for Publication)

V.

G.M.F.C. Inc.

The summary judgment entered in favor of respondent Dollinger-Glendale Associates is reversed and the matter remanded for further proceedings. Appellant GMFC is awarded costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.

Baron, J.

B090713 Kim (Not for Publication)

V.

Kim

The judgment shall be amended by adding \$27,123.30 to the amount awarded to appellants; otherwise the judgment is affirmed. Each side shall bear their own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

DIVISION FOUR (Continued)

B108457      Bush      (Not for Publication)

v.  
Meriplan Insurance Company

The order dismissing the arbitration is reversed. Costs on appeal are awarded to appellant.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Baron, J.

B108279      Epstein      (Certified for Publication)

v.  
Abrams  
and  
Lebowsky

The challenged orders approving the settlement and denying appellant's motion for reconsideration are reversed. Appellant is to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Baron, J.

B105305      People      (Not for Publication)

v.  
Valencia

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

September 23, 1997-Continued

DIVISION FOUR (Continued)

B104810      People                                (Not for Publication)  
v.  
*Zaccardo*

The judgment is affirmed.

Baron, J.

I concur: Epstein, Acting P.J.

I concur in the result reached by the majority opinion but I disagree with one aspect of the opinion: Hastings, J.

B106002 People (Not for Publication)  
v.  
Navarro

The judgment is reversed with instructions to the trial court to permit defendant to withdraw his plea of guilty and to proceed to trial on the original charges against him if the plea is withdrawn.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Baron, J.

B096474      Alva and Breceda  
v.  
Miranda

Filed order denying petition for rehearing.

DIVISION FIVE

B105583     Aulisio  
              v.  
              Aegis Financial Group, Inc.

Cause submitted.

B109644     People                                 (Not for Publication)  
              v.  
              Linda Kay S.  
              In re Stephany E.

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                  Godoy Perez, J.

B104531     People                                 (Not for Publication)  
              v.  
              Wilson Leonard Herrera

The judgment is affirmed.

Godoy Perez, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

B097147     Rodolfo Ramirez, et al.                 (Not for Publication)  
              v.  
              Sheldon Sacks, et al.

The orders sustaining the demurrers to the first and fourth causes of action in the first amended complaint, and the summary judgment granted for Sacks, are affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:    Turner, P.J.  
                  Grignon, J.

DIVISION SIX

Civil	Lapp Machine &	(Not For Publication)
No.	Pump Service, Inc.	
B109907	vs.	
	Methods Machine Tools, Inc.	

The judgment (order denying petition to compel arbitration in Massachusetts) is affirmed with costs to Lapp.

Yegan, J.

We concur: Stone, P.J.  
Coffee, J.

Crim.	People	(Not For Publication)
No.	vs.	
B109848	Moreno	

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.  
Gilbert, J.

Civil	Berrett	(Not For Publication)
No.	vs.	
B108244	Gates	

The trial court's order denying appellant his costs and fees is reversed and remanded solely on the issue of whether appellant may recover his costs and fees under section 3856. The trial court is specifically ordered to consider whether appellant reasonably requested a trial de novo. If so, the amount of appellant's reasonable expenses shall be determined. If not, appellant may be denied his expenses. The parties shall pay their own costs on appeal.

Stone, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SIX (Continued)

Civil	Ventura County PSSA	(Not For Publication)
No.	vs.	
B109711	Eldon S.	

The court's order requiring appellant to participate in an alcohol assessment program is affirmed.

Gilbert, J.

We concur: Stone, P.J.  
Coffee, J.

DIVISION SEVEN

B107813	Valdez
	v.
	City of Los Angeles

Filed order denying petition for rehearing.

B105300	Ortega
	v.
	Weisberg, et al

Filed order denying petition for rehearing.

B107140	Los Angeles County, D.C.S.
	v.
	Belinda J.
	In re Steven F. and Corey F., minors

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B098412      Estate of Albert Page      (Not for Publication)

The order is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur:   Woods, J.  
                  Neal, J.

B096742      Patton      (Not for Publication)  
                  v.  
                  Patton

The order of the superior court is affirmed. Respondent to recover her costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                  Neal, J.

B103156      Garth      (Not for Publication)  
                  v.  
                  Matheney

The judgment of dismissal is reversed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                  Neal, J.

September 23, 1997-Continued

DIVISION SEVEN (Continued)

B100337      Sanbro, Inc.      (Not for Publication)

V.  
Farmers Group, Inc.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Lillie, P.J.

We concur: Johnson, J.  
Woods, J.

B102323      Bin      (Not for Publication)

v.  
Brac-Opco, Inc.

The judgment is reversed and on remand the court is directed to vacate the orders striking Budget's answer and entering its default and to proceed in a manner consistent with this opinion. The appeal from the order of April 11, 1996, is dismissed as moot. Appellant is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.